

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 337 – SB 866

April 22, 2021

SUMMARY OF BILL: Requires a court-appointed attorney to review all pro se civil action pleadings to determine whether the action is meritorious. Requires all pro se litigants in civil actions to post a security bond of up to \$100,000, to be made from the General Fund if the plaintiff is proceeding without representation and in forma pauperis. Requires dismissal of the civil action pleading with prejudice if the reviewing court-appointed attorney determines the action is without merit or if the plaintiff is unable to pay the security bond. Requires the courts to maintain a list of all persons determined to be an abusive civil action plaintiff and the period of time the prefiling restrictions are in effect.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$1,879,000/FY21-22
\$1,679,000/FY22-23 and Subsequent Years**

Assumptions:

- The exact figure of how many pro se civil action pleadings are generated annually is unknown.
- Based on information provided by the Administrative Office of the Courts (AOC) In 2019, there were at least 305,802 civil filings (this figure does not include filings in Knox, Shelby, or Hamilton counties).
- Judges estimated that approximately 10 percent of all civil filings are filed by pro se parties. Therefore, at least 30,580 (305,802 x 10%) pro se filings would have to be reviewed by a court-appointed attorney.
- Based upon the average criminal court-appointed attorney fee, it is assumed the attorney would be paid \$50.00 per hour and an average of one hour of review per filing.
- The increase in state expenditures to the state in FY21-22 and subsequent years will be at least \$1,529,000 (30,580 x \$50 x 1).
- It is assumed that any revenue from bonds to the General Fund will be exonerated and therefore will not significantly impact state revenue.
- Based upon information provided by the District Attorney General Conference, it is estimated that the increase in workload can be accommodated with existing resources and personnel across any given jurisdiction.

- To require the courts to maintain a list of all persons determined to be an abusive civil action plaintiff and the period of time the prefiling restrictions are in effect would mean that a centralized system would need to be created and maintained.
- This analysis assumes that AOC would produce and maintain the centralized system.
- The creation of the system will require a contract programmer to establish a program. It is assumed the creation of the program for the registry will result in a one-time increase in state expenditures of \$350,000 in FY21-22.
- Maintenance of the program will cost approximately \$150,000 in FY22-23 and subsequent years.
- The total increase in state expenditures in FY21-22 will be \$1,879,000 (\$1,529,000 + \$350,000).
- The total increase in state expenditures in FY22-23 and subsequent years will be \$1,679,000 (\$1,529,000 + \$150,000).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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